

**EXHIBIT “B”**  
**Findings and Conditions of Approval**  
**For PLN2014-00051, Tulip After School Zoning Administrator Permit**  
**3555 Beacon Avenue**

**FINDINGS:**

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Zoning Administrator dated March 17, 2014, incorporated hereby.

*Zoning Administrator Permit Findings:*

- a. The proposed use is consistent with the General Plan because it provides tutoring and cultural education to children of residents and employees of the surrounding area, which is allowed under the City Center Commercial designation;
- b. The site is suitable and adequate for the proposed use because it is located within an existing office building with adequate parking consistent with required parking standards;
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the proposed project would not alter the existing site conditions;
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because it is compatible with other uses in the immediate vicinity and no site modifications are proposed;
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the use will take place entirely indoors and will provide a service to meet the needs of the surrounding community.

**CONDITIONS OF APPROVAL:**

1. The project shall conform to Exhibit “A” (Site Plan and Floor Plan), and all other conditions of approval set forth herein.
2. There shall be no more than 60 students at the facility at any given time. The students shall be from kindergarten through the fifth grade.
3. On-site classes shall only be offered during the following hours:  
  
Monday through Friday 11:30 AM to 6:30 PM
4. The applicant shall provide a shuttle service to pick up the students from their respective schools. The shuttle vehicles shall be parked in a parking space when loading and unloading.

5. The applicant shall endeavor to minimize disruptions to neighboring tenants resulting from activities occurring within the dance studio. Amplified music shall be maintained at a reasonable volume. The Zoning Administrator may modify the conditions of approval to mitigate any excessive negative conditions resulting from this use.
6. All activities shall take place within the existing building.
7. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Fremont Municipal Codes in effect at time of the building permit application for any tenant improvements that may be required.
8. The applicant shall have a key box (Knox brand) located outside of the building and provide keys to the Fire Department so they may gain access. Lockable gates shall use a Knox lock or when electrically operated shall have a keyed over-ride switch.
9. Building address shall be plainly legible and visible from the public street. These numbers shall contrast with their background.
10. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
11. This Zoning Administrator Permit shall be subject to revocation by the Zoning Administrator at such time as any of the following conditions are found to exist:
  - a. Conditions of approval, including state or local standards of operation, have not been fulfilled;
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property;
  - c. The use has resulted in a substantial adverse impact on public facilities or services.
12. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The City shall promptly notify the applicant of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
13. Minor modifications to this approval may be allowed subject to review by the Zoning Administrator.

## **END OF CONDITIONS**